

m.f



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,822	10/23/2003	Leonardo E. Blanco	4090	1433

7590 09/06/2006

Law Offices of Albert S. Michalik, PLLC  
Suite 193  
704-228th Avenue NE  
Sammamish, WA 98074

EXAMINER

HAJNIK, DANIEL F

ART UNIT PAPER NUMBER

2628

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/693,822

Applicant(s)

BLANCO ET AL.

Examiner

Daniel F. Hajnik

Art Unit

2628

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-36.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The new issues include: Amendment to claim 1 now requires timing of the output is relative to both the current interval and the time value. This changes the scope of the claims requiring further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments presented by the applicants have been carefully considered. One main argument presented by the applicants indicates that the prior art of Milne and Grinstein does not teach of taking the result of the temporal predicates (from interval data) and then combining the result with data from a real-time clock to generate some form of output (bottom of pg. 14 and also see top of pg. 16 in regards to claim 1, middle of pgs. 17 and 18, and top of pg. 19 in regards to claim 18, and middle and bottom of pg. 23 in regards to claim 29 where similar arguments are presented). These arguments are based upon the newly amended claim language of "such that timing of the output is relative to both the interval data and the current time data". Thus, such a new limitation was not explicitly addressed in the previous office action, and would require further search and/or consideration.

Further, applicant argues in regards to claim 27 (middle and bottom of pg. 20) that the prior art of Milne considered in conjunction with Cheng does not teach the claimed data field to interpolate a progress value. The examiner maintains that the prior art rejection is proper because Cheng teaches of authoring and storing information about an object with respect to time, and storing object properties at specific times for key frame animation (col 23, lines 61-64). Then, in turn, Cheng teaches of interpolating between the key frames to animate the object (the progress of the animation)(col 23, line 63 - col 24, line 2). Thus, Cheng teaches the claimed limitations.

Moreover, applicant argues that the office action uses impermissible hindsight reasoning (bottom of pg. 18) in regards to the rejection of claim 18. However, the examiner maintains that the prior art rejection was proper because Grinstein shows an advantage to combining with Milne by showing an interactive motion control system for animation where the simulation clock speed can easily be changed (col 58, lines 40-46). Milne can benefit from the user interaction and the addition may provide additional entertainment value to the user.